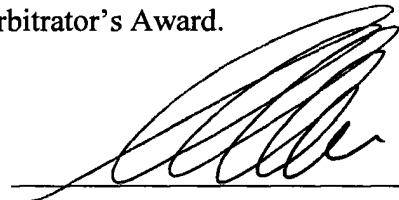


case. The court finds that it cannot reopen a closed case because it lacks jurisdiction to do so.¹ The Supreme Court has held that “[w]here . . . the District Court has ordered the parties to proceed to arbitration, and dismissed all claims before it, the decision is ‘final’ under § 16(a)(3)”² Green Tree Fin. Corp. v. Randolph, 531 U.S. 79 (2000). Once a decision is final, the court no longer has jurisdiction over the matter. Therefore, the court lacks jurisdiction to reopen this matter. The Supreme Court has noted, however, that “[t]he FAA does permit parties to arbitration agreements to bring a *separate proceeding in a district court* to enter judgment on an arbitration award once it is made (or to vacate or modify it), [even though] the existence of that remedy does not vitiate the finality of the District Court’s resolution of the claims” Id. at 86 (emphasis added). Accordingly, the parties, at their option, may institute a separate civil suit to determine the validity of the arbitrator’s award. Id. at 87.

II.

For the reasons stated, the court declines to rule on either the Motion to Vacate the Arbitrator’s Award or the Motion to Confirm the Arbitrator’s Award.

ENTER: This September 2, 2009.



UNITED STATES DISTRICT JUDGE

¹ Once a final decision – such as a decision to dismiss a case from the court’s docket – has been made, the District Court no longer has subject matter jurisdiction in that case. See Green Tree Fin. Corp. v. Randolph, 531 U.S. 79, 86–87 (2000).

² The Supreme Court defines a final decision as one that “ends the litigation on the merits and leaves nothing more for the court to do but execute the judgment.” Id. at 79.